

AMENDED IN ASSEMBLY AUGUST 22, 2002

AMENDED IN SENATE MAY 16, 2002

AMENDED IN SENATE MAY 7, 2002

AMENDED IN SENATE APRIL 2, 2002

SENATE BILL

No. 2025

**Introduced by Committee on Business and Professions (Senators
Figueroa (Chair), Johannessen, Machado, Morrow, Murray,
O'Connell, and Polanco)**

February 22, 2002

An act to amend Sections 473.15, 473.6, 805, 805.7, ~~2531~~, 2920, 2933, 4800, 4804.5, 4990.1, 4990.8, 5510, 5517, 5620, 5621, 5622, 6710, 6714, 7810, 7815.5, 8000, 8005, 8520, ~~8528, 18602, and 18613~~ and 8528 of the Business and Professions Code, relating to professions and vocations, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 2025, as amended, Committee on Business and Professions. Professions and vocations.

(1) Existing law provides for the professional review of specified healing arts licentiates through a peer review process. Existing law provides for a peer review study by the Medical Board of California which is required to contract with the Institute for Medical Quality for the study. The institute is required to submit a written report of its findings and recommendations to the Medical Board of California and to the Legislature by November 1, 2002.

This bill would extend the report due date to November 1, 2003.

Under existing law, specified persons are required to file a report, designated as an “805 report,” with the board if a peer review body takes one of several specified actions against a physician and surgeon licensed by that board. Existing law requires the board to establish a pilot program of early detection of potential quality problems and to report its findings on these matters to the Legislature before April 1, 2003.

This bill would change this reporting date to April 1, 2004.

Existing law requires designated persons to file an 805 report if a licentiate resigns, requests a leave of absence, or withdraws or abandons an application to obtain or renew staff privileges or membership after notice of an investigation or impending denial or rejection of the application.

This bill would instead require that the 805 report be filed if the licentiate takes any of those specified actions after notice of an impending investigation or denial or rejection of the application.

(2) Existing law provides for the Joint Legislative Sunset Review Committee, which is authorized to act until January 1, 2004. Existing law provides for, within the Board of Consumer Affairs, the existence of (a) ~~the Speech-Language Pathology and Audiology Board, which is repealed January 1, 2005,~~ (b) the Board of Psychology, which is repealed January 1, 2006, ~~(c)~~ (b) the Veterinary Medical Board, which is repealed January 1, 2005, ~~(d)~~ (c) the Board of Behavioral Sciences, which is repealed January 1, 2006, ~~(e)~~ (d) the California Architects Board, which is repealed January 1, 2006, ~~(f)~~ (e) the Board for Professional Engineers and Land Surveyors, which is repealed January 1, 2005, ~~(g)~~ (f) the Board for Geologists and Geophysicists, which is repealed on January 1, 2006, ~~(h)~~ (g) the Court Reporters’ Board of California, which is repealed January 1, 2006, ~~(i)~~ and, (h) the Structural Pest Control Board, which is repealed January 1, 2006, ~~and (j) the State Athletic Commission, which is repealed January 1, 2007.~~ Existing law provides that these boards are subject to the review of the Joint Legislative Sunset Review Committee upon their repeal. Existing law also requires the Joint Legislative Sunset Review Committee to hold hearings during the interim recess of 2003 on the need to continue the existence of the Osteopathic Medical Board of California.

This bill would extend the repeal dates for the boards by one year. The bill would also extend the time by which the Joint Legislative Sunset Review Committee is required to hold hearings on the Osteopathic Medical Board of California to the interim recess of 2004.



(3) The Osteopathic Medical Board of California is required to prepare an analysis and submit a report to the Joint Legislative Sunset Review Committee on or before September 1, 2003.

The bill would extend the date by which the board is required to submit the report to September 1, 2004.

(4) *This bill would incorporate additional provisions to Section 473.15 of the Business and Professions Code, to take effect if both this bill and SB 1954 are enacted and become effective on or before January 1, 2003, and this bill is enacted last.*

(5) This bill would declare that it is to take effect immediately as an urgency statute.

Vote: ²/₃. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 473.15 of the Business and Professions
2 Code is amended to read:
3 473.15. (a) The Joint Legislative Sunset Review Committee
4 established pursuant to Section 473 shall review the following
5 boards established by initiative measures, as provided in this
6 section:
7 (1) The State Board of Chiropractic Examiners established by
8 an initiative measure approved by electors November 7, 1922.
9 (2) The Osteopathic Medical Board of California established
10 by an initiative measure approved June 2, 1913, and acts
11 amendatory thereto approved by electors November 7, 1922.
12 (b) The Osteopathic Medical Board of California shall prepare
13 an analysis and submit a report as described in subdivisions (a) to
14 (e), inclusive, of Section 473.2, to the Joint Legislative Sunset
15 Review Committee on or before September 1, 2004.
16 (c) The State Board of Chiropractic Examiners shall prepare an
17 analysis and submit a report as described in subdivisions (a) to (e),
18 inclusive, of Section 473.2, to the Joint Legislative Sunset Review
19 Committee on or before September 1, 2001.
20 (d) The Joint Legislative Sunset Review Committee shall,
21 during the interim recess of 2004 for the Osteopathic Medical
22 Board of California, and during the interim recess of 2001 for the
23 State Board of Chiropractic Examiners, hold public hearings to
24 receive testimony from the Director of Consumer Affairs, the

1 board involved, the public, and the regulated industry. In that
2 hearing, each board shall be prepared to demonstrate a compelling
3 public need for the continued existence of the board or regulatory
4 program, and that its licensing function is the least restrictive
5 regulation consistent with the public health, safety, and welfare.

6 (e) The Joint Legislative Sunset Review Committee shall
7 evaluate and make determinations pursuant to Section 473.4 and
8 shall report its findings and recommendations to the department as
9 provided in Section 473.5.

10 (f) In the exercise of its inherent power to make investigations
11 and ascertain facts to formulate public policy and determine the
12 necessity and expediency of contemplated legislation for the
13 protection of the public health, safety, and welfare, it is the intent
14 of the Legislature that the State Board of Chiropractic Examiners
15 and the Osteopathic Medical Board of California be reviewed
16 pursuant to this section.

17 (g) It is not the intent of the Legislature in requiring a review
18 under this section to amend the initiative measures that established
19 the State Board of Chiropractic Examiners or the Osteopathic
20 Medical Board of California.

21 *SEC. 1.5. Section 473.15 of the Business and Professions*
22 *Code is amended to read:*

23 473.15. (a) The Joint Legislative Sunset Review Committee
24 established pursuant to Section 473 shall review the following
25 boards established by initiative measures, as provided in this
26 section:

27 (1) The State Board of Chiropractic Examiners established by
28 an initiative measure approved by electors November 7, 1922.

29 (2) The Osteopathic Medical Board of California established
30 by an initiative measure approved June 2, 1913, and acts
31 amendatory thereto approved by electors November 7, 1922.

32 (b) The Osteopathic Medical Board of California shall prepare
33 an analysis and submit a report as described in subdivisions (a) to
34 (e), inclusive, of Section 473.2, to the Joint Legislative Sunset
35 Review Committee on or before September 1, ~~2003~~ 2004.

36 (c) The State Board of Chiropractic Examiners shall prepare an
37 analysis and submit a report as described in subdivisions (a) to (e),
38 inclusive, of Section 473.2, to the Joint Legislative Sunset Review
39 Committee on or before September 1, ~~2004~~ 2005.

(d) The Joint Legislative Sunset Review Committee shall, during the interim recess of ~~2003~~ 2004 for the Osteopathic Medical Board of California, and during the interim recess of ~~2004~~ 2005 for the State Board of Chiropractic Examiners, hold public hearings to receive testimony from the Director of Consumer Affairs, the board involved, the public, and the regulated industry. In that hearing, each board shall be prepared to demonstrate a compelling public need for the continued existence of the board or regulatory program, and that its licensing function is the least restrictive regulation consistent with the public health, safety, and welfare.

(e) The Joint Legislative Sunset Review Committee shall evaluate and make determinations pursuant to Section 473.4 and shall report its findings and recommendations to the department as provided in Section 473.5.

(f) In the exercise of its inherent power to make investigations and ascertain facts to formulate public policy and determine the necessity and expediency of contemplated legislation for the protection of the public health, safety, and welfare, it is the intent of the Legislature that the State Board of Chiropractic Examiners and the Osteopathic Medical Board of California be reviewed pursuant to this section.

(g) It is not the intent of the Legislature in requiring a review under this section to amend the initiative measures that established the State Board of Chiropractic Examiners or the Osteopathic Medical Board of California.

SEC. 2. Section 473.6 of the Business and Professions Code is amended to read:

473.6. The chairpersons of the appropriate policy committees of the Legislature may refer to the Joint Legislative Sunset Review Committee for review of any legislative issues or proposals to create new licensure or regulatory categories, increase licensing requirements, or create a new licensing board under the provisions of this code or pursuant to Chapter 1.5 (commencing with Section 9148) of Part 1 of Division 2 of Title 2 of the Government Code.

SEC. 3. Section 805 of the Business and Professions Code is amended to read:

805. (a) As used in this section, the following terms have the following definitions:

(1) “Peer review body” includes:

1 (A) A medical or professional staff of any health care facility
2 or clinic licensed under Division 2 (commencing with Section
3 1200) of the Health and Safety Code or of a facility certified to
4 participate in the federal Medicare program as an ambulatory
5 surgical center.

6 (B) A health care service plan registered under Chapter 2.2
7 (commencing with Section 1340) of Division 2 of the Health and
8 Safety Code or a disability insurer that contracts with licentiates
9 to provide services at alternative rates of payment pursuant to
10 Section 10133 of the Insurance Code.

11 (C) Any medical, psychological, marriage and family therapy,
12 social work, dental, or podiatric professional society having as
13 members at least 25 percent of the eligible licentiates in the area
14 in which it functions (which must include at least one county),
15 which is not organized for profit and which has been determined
16 to be exempt from taxes pursuant to Section 23701 of the Revenue
17 and Taxation Code.

18 (D) A committee organized by any entity consisting of or
19 employing more than 25 licentiates of the same class that functions
20 for the purpose of reviewing the quality of professional care
21 provided by members or employees of that entity.

22 (2) “Licentiate” means a physician and surgeon, podiatrist,
23 clinical psychologist, marriage and family therapist, clinical social
24 worker, or dentist. “Licentiate” also includes a person authorized
25 to practice medicine pursuant to Section 2113.

26 (3) “Agency” means the relevant state licensing agency
27 having regulatory jurisdiction over the licentiates listed in
28 paragraph (2).

29 (4) “Staff privileges” means any arrangement under which a
30 licentiate is allowed to practice in or provide care for patients in
31 a health facility. Those arrangements shall include, but are not
32 limited to, full staff privileges, active staff privileges, limited staff
33 privileges, auxiliary staff privileges, provisional staff privileges,
34 temporary staff privileges, courtesy staff privileges, locum tenens
35 arrangements, and contractual arrangements to provide
36 professional services, including, but not limited to, arrangements
37 to provide outpatient services.

38 (5) “Denial or termination of staff privileges, membership, or
39 employment” includes failure or refusal to renew a contract or to



1 renew, extend, or reestablish any staff privileges, if the action is
2 based on medical disciplinary cause or reason.

3 (6) “Medical disciplinary cause or reason” means that aspect
4 of a licentiate’s competence or professional conduct that is
5 reasonably likely to be detrimental to patient safety or to the
6 delivery of patient care.

7 (7) “805 report” means the written report required under
8 subdivision (b).

9 (b) The chief of staff of a medical or professional staff or other
10 chief executive officer, medical director, or administrator of any
11 peer review body and the chief executive officer or administrator
12 of any licensed health care facility or clinic shall file an 805 report
13 with the relevant agency within 15 days after the effective date of
14 any of the following that occur as a result of an action of a peer
15 review body:

16 (1) A licentiate’s application for staff privileges or membership
17 is denied or rejected for a medical disciplinary cause or reason.

18 (2) A licentiate’s membership, staff privileges, or employment
19 is terminated or revoked for a medical disciplinary cause or reason.

20 (3) Restrictions are imposed, or voluntarily accepted, on staff
21 privileges, membership, or employment for a cumulative total of
22 30 days or more for any 12-month period, for a medical
23 disciplinary cause or reason.

24 (c) The chief of staff of a medical or professional staff or other
25 chief executive officer, medical director, or administrator of any
26 peer review body and the chief executive officer or administrator
27 of any licensed health care facility or clinic shall file an 805 report
28 with the relevant agency within 15 days after any of the following
29 occur after notice of either an impending investigation or the
30 denial or rejection of the application for a medical disciplinary
31 cause or reason:

32 (1) Resignation or leave of absence from membership, staff, or
33 employment.

34 (2) The withdrawal or abandonment of a licentiate’s
35 application for staff privileges or membership.

36 (3) The request for renewal of those privileges or membership
37 is withdrawn or abandoned.

38 (d) For purposes of filing an 805 report, the signature of at least
39 one of the individuals indicated in subdivision (b) or (c) on the

1 completed form shall constitute compliance with the requirement
2 to file the report.

3 (e) An 805 report shall also be filed within 15 days following
4 the imposition of summary suspension of staff privileges,
5 membership, or employment, if the summary suspension remains
6 in effect for a period in excess of 14 days.

7 (f) A copy of the 805 report, and a notice advising the licentiate
8 of his or her right to submit additional statements or other
9 information pursuant to Section 800, shall be sent by the peer
10 review body to the licentiate named in the report.

11 The information to be reported in an 805 report shall include the
12 name and license number of the licentiate involved, a description
13 of the facts and circumstances of the medical disciplinary cause or
14 reason, and any other relevant information deemed appropriate by
15 the reporter.

16 A supplemental report shall also be made within 30 days
17 following the date the licentiate is deemed to have satisfied any
18 terms, conditions, or sanctions imposed as disciplinary action by
19 the reporting peer review body. In performing its dissemination
20 functions required by Section 805.5, the agency shall include a
21 copy of a supplemental report, if any, whenever it furnishes a copy
22 of the original 805 report.

23 If another peer review body is required to file an 805 report, a
24 health care service plan is not required to file a separate report with
25 respect to action attributable to the same medical disciplinary
26 cause or reason. If the Medical Board of California or a licensing
27 agency of another state revokes or suspends, without a stay, the
28 license of a physician, a peer review body is not required to file an
29 805 report when it takes an action as a result of the revocation or
30 suspension.

31 (g) The reporting required by this section shall not act as a
32 waiver of confidentiality of medical records and committee
33 reports. The information reported or disclosed shall be kept
34 confidential except as provided in subdivision (c) of Section 800
35 and Sections 803.1 and 2027, provided that a copy of the report
36 containing the information required by this section may be
37 disclosed as required by Section 805.5 with respect to reports
38 received on or after January 1, 1976.

1 (h) The Medical Board of California, the Osteopathic Medical
2 Board of California, and the Dental Board of California shall
3 disclose reports as required by Section 805.5.

4 (i) An 805 report shall be maintained by an agency for
5 dissemination purposes for a period of three years after receipt.

6 (j) No person shall incur any civil or criminal liability as the
7 result of making any report required by this section.

8 (k) A willful failure to file an 805 report by any person who is
9 designated or otherwise required by law to file an 805 report is
10 punishable by a fine not to exceed one hundred thousand dollars
11 (\$100,000) per violation. The fine may be imposed in any civil or
12 administrative action or proceeding brought by or on behalf of any
13 agency having regulatory jurisdiction over the person regarding
14 whom the report was or should have been filed. If the person who
15 is designated or otherwise required to file an 805 report is a
16 licensed physician and surgeon, the action or proceeding shall be
17 brought by the Medical Board of California. The fine shall be paid
18 to that agency but not expended until appropriated by the
19 Legislature. A violation of this subdivision may constitute
20 unprofessional conduct by the licensee. A person who is alleged
21 to have violated this subdivision may assert any defense available
22 at law. As used in this subdivision, “willful” means a voluntary
23 and intentional violation of a known legal duty.

24 (l) Except as otherwise provided in subdivision (k), any failure
25 by the administrator of any peer review body, the chief executive
26 officer or administrator of any health care facility, or any person
27 who is designated or otherwise required by law to file an 805
28 report, shall be punishable by a fine that under no circumstances
29 shall exceed fifty thousand dollars (\$50,000) per violation. The
30 fine may be imposed in any civil or administrative action or
31 proceeding brought by or on behalf of any agency having
32 regulatory jurisdiction over the person regarding whom the report
33 was or should have been filed. If the person who is designated or
34 otherwise required to file an 805 report is a licensed physician and
35 surgeon, the action or proceeding shall be brought by the Medical
36 Board of California. The fine shall be paid to that agency but not
37 expended until appropriated by the Legislature. The amount of the
38 fine imposed, not exceeding fifty thousand dollars (\$50,000) per
39 violation, shall be proportional to the severity of the failure to
40 report and shall differ based upon written findings, including

1 whether the failure to file caused harm to a patient or created a risk
2 to patient safety; whether the administrator of any peer review
3 body, the chief executive officer or administrator of any health
4 care facility, or any person who is designated or otherwise required
5 by law to file an 805 report exercised due diligence despite the
6 failure to file or whether they knew or should have known that an
7 805 report would not be filed; and whether there has been a prior
8 failure to file an 805 report. The amount of the fine imposed may
9 also differ based on whether a health care facility is a small or rural
10 hospital as defined in Section 124840 of the Health and Safety
11 Code.

12 (m) A health care service plan registered under Chapter 2.2
13 (commencing with Section 1340) of Division 2 of the Health and
14 Safety Code or a disability insurer that negotiates and enters into
15 a contract with licentiates to provide services at alternative rates
16 of payment pursuant to Section 10133 of the Insurance Code,
17 when determining participation with the plan or insurer, shall
18 evaluate, on a case-by-case basis, licentiates who are the subject
19 of an 805 report, and not automatically exclude or deselect these
20 licentiates.

21 SEC. 4. Section 805.7 of the Business and Professions Code
22 is amended to read:

23 805.7. (a) The Medical Board of California shall work with
24 interested parties in the pursuit and establishment of a pilot
25 program, similar to those proposed by the Citizens Advocacy
26 Center, of early detection of potential quality problems and
27 resolutions through informal educational interventions.

28 (b) The Medical Board of California shall report to the
29 Legislature its evaluation and findings and shall include
30 recommendations regarding the statewide implementation of this
31 pilot program before April 1, 2004.

32 ~~SEC. 5. Section 2531 of the Business and Professions Code~~
33 ~~is amended to read:~~

34 ~~2531. There is hereby created a Speech-Language Pathology~~
35 ~~and Audiology Board under the jurisdiction of the Medical Board~~
36 ~~of California. The Speech-Language Pathology and Audiology~~
37 ~~Board shall consist of nine members, three of whom shall be public~~
38 ~~members. The Speech-Language Pathology and Audiology Board~~
39 ~~shall enforce and administer this chapter.~~



1 ~~This section shall become inoperative on July 1, 2005, and, as~~
2 ~~of January 1, 2006, is repealed, unless a later enacted statute, that~~
3 ~~becomes effective on or before January 1, 2006, deletes or extends~~
4 ~~the inoperative and repeal dates.~~

5 SEC. 6. Section 2920 of the Business and Professions Code
6 is amended to read:

7 2920. The Board of Psychology shall enforce and administer
8 this chapter. The board shall consist of nine members, four of
9 whom shall be public members.

10 This section shall become inoperative on July 1, 2006, and, as
11 of January 1, 2007, is repealed, unless a later enacted statute,
12 which becomes effective on or before January 1, 2007, deletes or
13 extends the dates on which it becomes inoperative and is repealed.

14 SEC. 7. Section 2933 of the Business and Professions Code
15 is amended to read:

16 2933. Except as provided by Section 159.5, the board shall
17 employ and shall make available to the board within the limits of
18 the funds received by the board all personnel necessary to carry out
19 this chapter. The board may employ, exempt from the State Civil
20 Service Act, an executive officer to the Board of Psychology. The
21 board shall make all expenditures to carry out this chapter. The
22 board may accept contributions to effectuate the purposes of this
23 chapter.

24 This section shall become inoperative on July 1, 2006, and, as
25 of January 1, 2007, is repealed, unless a later enacted statute,
26 which becomes effective on or before January 1, 2007, deletes or
27 extends the dates on which it becomes inoperative and is repealed.

28 SEC. 8. Section 4800 of the Business and Professions Code
29 is amended to read:

30 4800. There is in the Department of Consumer Affairs a
31 Veterinary Medical Board in which the administration of this
32 chapter is vested. The board consists of seven members, three of
33 whom shall be public members.

34 This section shall become inoperative on July 1, 2005, and, as
35 of January 1, 2006, is repealed, unless a later enacted statute,
36 which becomes effective on or before January 1, 2006, deletes or
37 extends the dates on which it becomes inoperative and is repealed.

38 The repeal of this section renders the board subject to the review
39 provided for by Division 1.2 (commencing with Section 473).

1 SEC. 9. Section 4804.5 of the Business and Professions Code
2 is amended to read:

3 4804.5. The board may appoint a person exempt from civil
4 service who shall be designated as an executive officer and who
5 shall exercise the powers and perform the duties delegated by the
6 board and vested in him or her by this chapter.

7 This section shall become inoperative on July 1, 2005, and, as
8 of January 1, 2006, is repealed, unless a later enacted statute,
9 which becomes effective on or before January 1, 2006, deletes or
10 extends the dates on which it becomes inoperative and is repealed.

11 SEC. 10. Section 4990.1 of the Business and Professions
12 Code is amended to read:

13 4990.1. There is in the Department of Consumer Affairs a
14 Board of Behavioral Sciences which consists of 11 members.

15 This section shall become inoperative on July 1, 2006, and, as
16 of January 1, 2007, is repealed, unless a later enacted statute,
17 which becomes effective on or before January 1, 2007, deletes or
18 extends the dates on which it becomes inoperative and is repealed.

19 SEC. 11. Section 4990.8 of the Business and Professions
20 Code is amended to read:

21 4990.8. The executive officer shall exercise the powers and
22 perform the duties delegated by the board and vested in him or her
23 by this chapter.

24 This section shall become inoperative on July 1, 2006, and, as
25 of January 1, 2007, is repealed, unless a later enacted statute,
26 which becomes effective on or before January 1, 2007, deletes or
27 extends the dates on which it becomes inoperative and is repealed.

28 SEC. 12. Section 5510 of the Business and Professions Code
29 is amended to read:

30 5510. There is in the Department of Consumer Affairs a
31 California Architects Board which consists of 10 members.

32 Any reference in law to the California Board of Architectural
33 Examiners shall mean the California Architects Board.

34 This section shall become inoperative on July 1, 2005, and, as
35 of January 1, 2006, is repealed, unless a later enacted statute,
36 which becomes effective on or before January 1, 2006, deletes or
37 extends the dates on which it becomes inoperative and is repealed.
38 The repeal of this section renders the board subject to the review
39 required by Division 1.2 (commencing with Section 473).



1 SEC. 13. Section 5517 of the Business and Professions Code
2 is amended to read:

3 5517. The board may appoint a person exempt from civil
4 service who shall be designated as an executive officer and who
5 shall exercise the powers and perform the duties delegated by the
6 board and vested in him or her by this chapter.

7 This section shall become inoperative on July 1, 2005, and, as
8 of January 1, 2006, is repealed, unless a later enacted statute,
9 which becomes effective on or before January 1, 2006, deletes or
10 extends the dates on which it becomes inoperative and is repealed.

11 SEC. 14. Section 5620 of the Business and Professions Code
12 is amended to read:

13 5620. The duties, powers, purposes, responsibilities, and
14 jurisdiction of the California State Board of Landscape Architects
15 that were succeeded to and vested with the Department of
16 Consumer Affairs in accordance with Chapter 908 of the Statutes
17 of 1994 are hereby transferred to the California Architects Board.
18 The Legislature finds that the purpose for the transfer of power is
19 to promote and enhance the efficiency of state government and that
20 assumption of the powers and duties by the California Architects
21 Board shall not be viewed or construed as a precedent for the
22 establishment of state regulation over a profession or vocation that
23 was not previously regulated by a board, as defined in Section 477.

24 (a) There is in the Department of Consumer Affairs a
25 California Architects Board as defined in Article 2 (commencing
26 with Section 5510) of Chapter 3.

27 Whenever in this chapter “board” is used it refers to the
28 California Architects Board.

29 (b) Except as provided herein, the board may delegate its
30 authority under this chapter to the Landscape Architect Technical
31 Committee.

32 (c) After review of proposed regulations, the board may direct
33 the examining committee to notice and conduct hearings to adopt,
34 amend, or repeal regulations pursuant to Section 5630, provided
35 that the board itself shall take final action to adopt, amend, or
36 repeal those regulations.

37 (d) The board shall not delegate its authority to discipline a
38 landscape architect or to take action against a person who has
39 violated this chapter.

(e) This section shall become inoperative on July 1, 2005, and as of January 1, 2006, is repealed, unless a later enacted statute, that becomes operative on or before January 1, 2006, deletes or extends the dates on which it becomes inoperative and is repealed.

SEC. 15. Section 5621 of the Business and Professions Code is amended to read:

5621. (a) There is hereby created within the jurisdiction of the board, a Landscape Architects Technical Committee, hereinafter referred to in this chapter as the landscape architects committee.

(b) The landscape architects committee shall consist of five members who shall be licensed to practice landscape architecture in this state. The Governor shall appoint three of the members. The Senate Committee on Rules and the Speaker of the Assembly shall appoint one member each.

(c) The initial members to be appointed by the Governor are as follows: one member for a term of one year; one member for a term of two years; and one member for a term of three years. The Senate Committee on Rules and the Speaker of the Assembly shall initially each appoint one member for a term of four years. Thereafter, appointments shall be made for four-year terms, expiring on June 1 of the fourth year and until the appointment and qualification of his or her successor or until one year shall have elapsed whichever first occurs. Vacancies shall be filled for the unexpired term.

(d) No person shall serve as a member of the landscape architects committee for more than two consecutive terms.

(e) This section shall become inoperative on July 1, 2005, and as of January 1, 2006, is repealed, unless a later enacted statute, that becomes operative on or before January 1, 2006, deletes or extends the dates on which it becomes inoperative and is repealed.

SEC. 16. Section 5622 of the Business and Professions Code is amended to read:

5622. (a) The landscape architects committee may assist the board in the examination of candidates for a landscape architect's license and, after investigation, evaluate and make recommendations regarding potential violations of this chapter.

(b) The landscape architects committee may investigate, assist, and make recommendations to the board regarding the regulation of landscape architects in this state.

1 (c) The landscape architects committee may perform duties
2 and functions that have been delegated to it by the board pursuant
3 to Section 5620.

4 (d) The landscape architects committee may send a
5 representative to all meetings of the full board to report on the
6 committee's activities.

7 (e) This section shall become inoperative on July 1, 2005, and,
8 as of January 1, 2006, is repealed, unless a later enacted statute,
9 that becomes operative on or before January 1, 2006, deletes or
10 extends the dates on which it becomes inoperative and is repealed.

11 SEC. 17. Section 6710 of the Business and Professions Code
12 is amended to read:

13 6710. (a) There is in the Department of Consumer Affairs a
14 Board for Professional Engineers and Land Surveyors, which
15 consists of 13 members.

16 (b) Any reference in any law or regulation to the Board of
17 Registration for Professional Engineers and Land Surveyors is
18 deemed to refer to the Board for Professional Engineers and Land
19 Surveyors.

20 (c) This section shall become inoperative on July 1, 2005, and,
21 as of January 1, 2006, is repealed, unless a later enacted statute,
22 that becomes effective on or before January 1, 2006, deletes or
23 extends the dates on which it becomes inoperative and is repealed.
24 The repeal of this section renders the board subject to the review
25 required by Division 1.2 (commencing with Section 473).
26 However, the review of the board shall be limited to only those
27 unresolved issues identified by the Joint Legislative Sunset
28 Review Committee.

29 SEC. 18. Section 6714 of the Business and Professions Code
30 is amended to read:

31 6714. The board shall appoint an executive officer at a salary
32 to be fixed and determined by the board with the approval of the
33 Director of Finance.

34 This section shall become inoperative on July 1, 2005, and, as
35 of January 1, 2006, is repealed, unless a later enacted statute, that
36 becomes effective on or before January 1, 2006, deletes or extends
37 the dates on which it becomes inoperative and is repealed.

38 SEC. 19. Section 7810 of the Business and Professions Code
39 is amended to read:

1 7810. The Board for Geologists and Geophysicists is within
2 the department and is subject to the jurisdiction of the department.
3 Except as provided in this section, the board shall consist of eight
4 members, five of whom shall be public members, two of whom
5 shall be geologists, and one of whom shall be a geophysicist.

6 Each member shall hold office until the appointment and
7 qualification of the member's successor or until one year has
8 elapsed from the expiration of the term for which the member was
9 appointed, whichever occurs first. Vacancies occurring prior to the
10 expiration of the term shall be filled by appointment for the
11 remainder of the unexpired term.

12 Each appointment shall be for a four-year term expiring June 1
13 of the fourth year following the year in which the previous term
14 expired. No person shall serve as a member of the board for more
15 than two consecutive terms.

16 The Governor shall appoint three of the public members and the
17 three members qualified as provided in Section 7811. The Senate
18 Committee on Rules and the Speaker of the Assembly shall each
19 appoint a public member, and their initial appointment shall be
20 made to fill, respectively, the first and second public member
21 vacancies that occurred on or after January 1, 1983.

22 At the time the first vacancy is created by the expiration of the
23 term of a public member appointed by the Governor, the board
24 shall be reduced to consist of seven members, four of whom shall
25 be public members, two of whom shall be geologists, and one of
26 whom shall be a geophysicist. Notwithstanding any other
27 provision of law, the term of that member shall not be extended for
28 any reason, except as provided in this section.

29 This section shall become inoperative on July 1, 2006, and, as
30 of January 1, 2007, is repealed, unless a later enacted statute, that
31 becomes operative on or before January 1, 2007, deletes or extends
32 the dates on which it becomes inoperative and is repealed. The
33 repeal of this section renders the board subject to the review
34 required by Division 1.2 (commencing with Section 473).

35 SEC. 20. Section 7815.5 of the Business and Professions
36 Code is amended to read:

37 7815.5. The board may appoint a person exempt from civil
38 service who shall be designated as an executive officer and who
39 shall exercise the powers and perform the duties delegated by the
40 board and vested in him or her by this chapter.



1 This section shall become inoperative on July 1, 2006, and, as
2 of January 1, 2007, is repealed, unless a later enacted statute,
3 which becomes effective on or before January 1, 2007, deletes or
4 extends the dates on which it becomes inoperative and is repealed.

5 SEC. 21. Section 8000 of the Business and Professions Code
6 is amended to read:

7 8000. There is in the Department of Consumer Affairs a Court
8 Reporters Board of California, which consists of five members,
9 three of whom shall be public members and two of whom shall be
10 holders of certificates issued under this chapter who have been
11 actively engaged as shorthand reporters within this state for at least
12 five years immediately preceding their appointment.

13 This section shall become inoperative on July 1, 2006, and, as
14 of January 1, 2007, is repealed, unless a later enacted statute,
15 which becomes effective on or before January 1, 2007, deletes or
16 extends the dates on which it becomes inoperative and is repealed.
17 The repeal of this section renders the board subject to the review
18 required by Division 1.2 (commencing with Section 473), except
19 that the review shall be limited to only those unresolved issues
20 identified by the Joint Legislative Sunset Review Committee.

21 SEC. 22. Section 8005 of the Business and Professions Code
22 is amended to read:

23 8005. The Court Reporters Board of California is charged
24 with the executive functions necessary for effectuating the
25 purposes of this chapter. It may appoint committees as it deems
26 necessary or proper. The board may appoint, prescribe the duties,
27 and fix the salary of an executive officer. Except as provided by
28 Section 159.5, the board may also employ other employees as may
29 be necessary, subject to civil service and other provisions of law.

30 This section shall become inoperative on July 1, 2006, and, as
31 of January 1, 2007, is repealed, unless a later enacted statute,
32 which becomes effective on or before January 1, 2007, deletes or
33 extends the dates on which it becomes inoperative and is repealed.

34 The repeal of this section renders the board subject to the review
35 required by Division 1.2 (commencing with Section 473), except
36 that the review shall be limited to the board's examination
37 program.

38 SEC. 23. Section 8520 of the Business and Professions Code
39 is amended to read:

1 8520. (a) There is in the Department of Consumer Affairs a
2 Structural Pest Control Board, which consists of seven members.

3 (b) Subject to the jurisdiction conferred upon the director by
4 Division 1 (commencing with Section 100) of this code, the board
5 is vested with the power to and shall administer the provisions of
6 this chapter.

7 (c) It is the intent of the Legislature that consumer protection
8 is the primary mission of the board.

9 (d) This section shall become inoperative on July 1, 2006, and,
10 as of January 1, 2007, is repealed, unless a later enacted statute,
11 which becomes effective on or before January 1, 2007, deletes or
12 extends the dates on which it becomes inoperative and is repealed.
13 The repeal of this section renders the board subject to the review
14 required by Division 1.2 (commencing with Section 473).

15 SEC. 24. Section 8528 of the Business and Professions Code
16 is amended to read:

17 8528. With the approval of the director, the board shall
18 appoint a registrar, fix his or her compensation and prescribe his
19 or her duties.

20 The registrar is the executive officer and secretary of the board.

21 This section shall become inoperative on July 1, 2006, and, as
22 of January 1, 2007, is repealed, unless a later enacted statute,
23 which becomes effective on or before January 1, 2007, deletes or
24 extends the dates on which it becomes inoperative and is repealed.

25 ~~SEC. 25.—Section 18602 of the Business and Professions Code~~
26 ~~is amended to read:~~

27 ~~18602.—Except as provided in this section, there is in the~~
28 ~~Department of Consumer Affairs the State Athletic Commission,~~
29 ~~which consists of eight members. Six members shall be appointed~~
30 ~~by the Governor, one member shall be appointed by the Senate~~
31 ~~Rules Committee, and one member shall be appointed by the~~
32 ~~Speaker of the Assembly.~~

33 ~~The members of the commission appointed by the Governor are~~
34 ~~subject to confirmation by the Senate pursuant to Section 1322 of~~
35 ~~the Government Code.~~

36 ~~No person who is licensed under this chapter as a promoter,~~
37 ~~manager, or judge may be appointed or reappointed to, or serve on,~~
38 ~~the commission.~~

39 ~~Upon the first expiration of the term of a member appointed by~~
40 ~~the Governor, the commission shall be reduced to seven members.~~

1 Notwithstanding any provision of law, the term of that member
2 shall not be extended for any reason.

3 This section shall become inoperative on July 1, 2006, and as of
4 January 1, 2007, is repealed, unless a later enacted statute, which
5 becomes operative on or before January 1, 2007, deletes or extends
6 the dates on which it becomes inoperative and is repealed. The
7 repeal of this section renders the commission subject to the review
8 required by Division 1.2 (commencing with Section 473).

9 SEC. 26. Section 18613 of the Business and Professions Code
10 is amended to read:

11 18613. The commission shall appoint an executive officer and
12 fix his or her compensation. The executive officer shall carry out
13 the duties prescribed by this chapter and additional duties as may
14 be delegated by the commission. The commission may employ in
15 accordance with Section 154 other personnel as may be necessary
16 for the administration of this chapter.

17 This section shall become inoperative on July 1, 2006, and, as
18 of January 1, 2007, is repealed, unless a later enacted statute,
19 which becomes effective on or before January 1, 2007, deletes or
20 extends the dates on which it becomes inoperative and is repealed.

21 SEC. 27.

22 SEC. 25. Section 1.5 of this bill incorporates amendments to
23 Section 473.15 of the Business and Professions Code proposed by
24 both this bill and SB 1954. It shall only become operative if (1)
25 both bills are enacted and become effective on or before January
26 1, 2003, (2) each bill amends Section 473.15 of the Business and
27 Professions Code, and (3) this bill is enacted after SB 1954, in
28 which case Section 1 of this bill shall not become operative.

29 SEC. 26. This act is an urgency statute necessary for the
30 immediate preservation of the public peace, health, or safety
31 within the meaning of Article IV of the Constitution and shall go
32 into immediate effect. The facts constituting the necessity are:

33 To alter the necessary criteria for the requirement of certain
34 reports regarding healing arts licentiates as soon as possible, to
35 authorize the Medical Board of California to expend moneys for
36 implementation of an impending peer review process and to ensure
37 that the exemption from certain reporting requirements for
38 participants in the pilot program for detection of potential quality
39 problems go into effect before the implementation of the program,
40 to extend the Court Reporters Board deadlines for reporting to the

1 Legislature and for authorization to examine, evaluate, and
2 investigate complaints prior to passage of those deadlines, to
3 enable the Occupational Therapy Board to properly administer the
4 licensing law and protect the public from incompetent licensed
5 occupational therapists as soon as possible, and to extend by one
6 year the Legislature's sunset review process over specified
7 licensing agencies in order to immediately delay the
8 commencement of the legislative review process, it is necessary
9 that this act go into effect immediately.

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